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 Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Jesus Contreras-Gamez,
 Defendant.

No. 22-08423M

**GOVERNMENT'S NOTICE OF
 AUTOMATIC EXTENSION OF SPEEDY
 TRIAL CLOCK PURSUANT TO 18
 U.S.C. § 3161(b)**

The defendant was arrested on January 9, 2022, and the government initiated this felony case via complaint.

Although 18 U.S.C. § 3161(b) requires that an indictment issue within 30 days from a defendant's arrest or the service of a summons, However, D. Ariz. General Order 22-02 (issued January 7, 2022) suspended all grand jury proceedings to protect the public against a district-wide health concern created by the arrival of the Omicron variant¹. A grand jury was last in session in the District of Arizona, Tucson on December 29, 2021.

The Speedy Trial Act automatically provides for an additional 30 days in which to seek an indictment "when no grand jury has been in session during [the] thirty-day period"

¹ Actions taken to limit court operations during the COVID-19 health crisis are also described in prior general orders dating back to March 13, 2020. General Order 20-10, issued on March 13, 2020, was superseded by General Orders 20-13 and 20-15, and made obsolete by General Order 21-05, which was later superseded by General Orders 21-11 and 21-18.

1 following a defendant's arrest. 18 U.S.C. § 3161(b). No government motion is required.
2 See *United States v. Mann*, 701 F.3d 274, 284–85 (8th Cir. 2012) (“The plain language of
3 section 3161(b) is unambiguous: where a grand-jury is not in session during the thirty-day
4 period, ‘the period of time for filing of the indictment shall be extended an additional thirty
5 days.’ 18 U.S.C. § 3161(b). Pursuant to the language of the statute, the extension of time
6 is automatic; no Government motion is required.”)

7 Because the grand jury has not been scheduled to reconvene, it will not be in session
8 during the 30 days immediately following the defendant's arrest. Therefore, the indictment
9 deadline will be automatically extended for 30 days pursuant to 18 U.S.C. § 3161(b),
10 resulting in a new deadline of March 2, 2022.

11 Respectfully submitted this 14th day of January, 2022.

12 GARY M. RESTAINO
13 United States Attorney
14 District of Arizona

18 ARTURO AGUILAR
19 Assistant U.S. Attorney

20 Copy of the foregoing served electronically or by
21 other means this 14th day of January, 2022, to:

22 All ECF Participants
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